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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,325	05/04/2006	Roberto Conti	023349-00318	6644
4372	7590	11/21/2007		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	
			NOTIFICATION DATE	DELIVERY MODE
			11/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Office Action Summary

Application No.

10/578,325

Applicant(s)

CONTI, ROBERTO

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070924</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud (U.S. Patent No. 5,081,819) in view of Rudd et al. (U.S. Patent No. 3,579,350).

Cloud discloses the claimed apparatus as clearly disclosed and shown in (Figs. 4, 5, 8-13). Cloud does not disclose the claimed one forming head coupled with the pocket and being mobile towards and away from the pocket. However, Beverage discloses a similar apparatus with the use of forming head coupled with the pocket and being mobile towards and away from the pocket, see for example (Figs. 3 and 12-15; via 16-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head, as suggested by Rudd in order to greatly increase the total number of pods produced (column 2, lines 19-22).

Regarding claim 2: Rudd further discloses a reciprocating pusher means pressing on the head (Fig. 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head along with a reciprocating pusher means pressing on the head, as

Art Unit: 3721

suggested by Rudd in order to greatly increase the total number of pods produced (column 2, lines 19-22).

Regarding claims 3 and 12: Cloud discloses that the suction means (Figs. 9 and 10) are designed to hold the first web and the pressing means via belt 37.

Regarding claim 4: Rudd discloses that the forming head comprises a rigid pressing element whose shape and size match the shape and size of the pocket, see for example (Figs. 2 and 12-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head comprises a rigid pressing element whose shape and size match the shape and size of the pocket, as suggested by Rudd in order to greatly increase the total number of pods produced (column 2, lines 19-22).

Regarding claim 5: Rudd discloses that the forming head includes a rigid plate (via 46-48 in the shape of plate) and a membrane of flexible material mounted in and fixed to the rigid (Fig. 2; via springs 49).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head includes a rigid plate and a membrane of flexible material mounted in and fixed to the rigid, as suggested by Rudd in order to greatly increase the total number of pods produced (column 2, lines 19-22).

Art Unit: 3721

Regarding claims 6, 7, and 13: Rudd discloses with each forming head is associated a stabilizing plate to stabilize the edges of the web and elastic means located between the head and plate (Figs. 2 and 12-14; via plates 43-45 and elastic means 49).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Cloud's impressing belt 37 by using a forming/impressing head associated a stabilizing plate to stabilize the edges of the web, as suggested by Rudd in order to greatly increase the total number of pods produced (column 2, lines 19-22).

Regarding claim 8: Cloud in view of Rudd do not disclose the use of cam drive means to move the head toward and away from the drum/pocket. However, the examiner takes an official notice that such use of cam to move pusher or part of a machine toward and away from another section of the machine is old, well known and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Rudd's means of reciprocated heads 46-48 by the use of cam, as a matter of engineering design choice, in order to simplify and reduce the mechanical linkage.

Regarding claims 9 and 10: Cloud discloses compensating means comprises pins positioned and acting to unwind defined lengths of the first web (Figs. 8-10; via portions between the pockets could be considered as portions to unwind the web).

Regarding claim 11: Cloud discloses that the second feed line is defined by the feeding of the second web of filter material, which supports doses of the product (Figs. 12-14).

Response to Arguments

Applicant's arguments filed 09/24/2007 have been fully considered but they are not persuasive.

Applicant argues that the applied references of Cloud and Rudd alone or in combination fail to disclose an actuating means that includes for each pocket on a revolving drum conveyor means at least one forming head coupled with the pocket. However, the examiner maintains that the applied reference of Cloud in view of Rudd disclose the claimed "at least one forming head coupled with the pocket"; Figs. 8 and 9 of '819; via by substituting the vacuum 36 and belt 38 with '350's forming heads as shown in Figs. 12-15; via 46-48, as these forming heads have to compress the web and get coupled with every single pocket. Note that the same of '819; via for every single pocket an equivalent of the forming head via vacuum 36 and belt 38 have to couple the pocket via 23, which broadly considering the claimed limitations of "at least one forming head coupled with the pocket" as the forming head or equivalent of the forming head has to get coupled with every single pocket to create cavities and/or pockets to the web.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3721

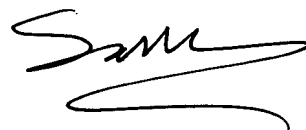
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik
Primary Examiner
Art Unit 3721



ST.